

## COVID-19 Amended Operating Plan for the Nueces County Courthouse Judiciary

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the courts of Nueces County located at the Nueces County Courthouse will implement the following protective measures:

### **General**

1. All judges will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.
2. The Local administrative District Judge will maintain regular communication with the local health authority and the County Judge and adjust this operating plan as necessary with conditions in the county and will resubmit revised plan for approval of any adjustments made.
3. Judges may begin setting non essential in person proceedings beginning July 1, 2020. Jury Trials to begin on September 1, 2020 pursuant to the 18th Emergency Order Regarding Covid-19 State of Disaster of the Texas Supreme Court.(The start date is subject to any future Supreme Court mandates regarding start of in person/jury trials that is not inconsistent with the current standing Order from the Supreme Court). All judges will continue to use all reasonable efforts to conduct proceedings remotely.

### **Judge and Court Staff Health**

1. Each Judge will have the discretion to allow court staff to perform the essential functions of their job remotely.
2. Judge and Court Staff Monitoring Requirements: Each Court to monitor their Staff individually; Court and Staff are to be monitored at the entrance of the Courthouse by Security Officers stationed at the Nueces County Courthouse entrance with a mass thermal monitor; any Judge or Staff that has travelled outside the Country or State will be required to follow all Texas Department of Health and Safety and CDC recommendations regarding quarantine and self isolation guidelines.
3. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 100.0°F, or with new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19 will not be permitted to enter the building and should seek medical advice.
4. Judges and court staff will be encouraged(unless otherwise mandated) to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all times.

5. Protective Measures: Courts to monitor and encourage others to practice social distancing; to continue to use proper hygiene measures that include periodic hand washing; disinfect all surfaces commonly used periodically but as soon as the court session ends; sanitizers will be made available; and use of facial masks will be encouraged and will be provided upon request.

## **Scheduling**

The following court schedules are established to reduce occupancy in the court building:

1. All Courts are encouraged to continue to conduct video conferencing (Zoom) hearings as much as possible. Only if necessary and after July 1, 2020, in person hearings are to be conducted adhering to the maximum capacity of occupants under CDC & OCA guidelines concerning social distancing;
2. District Courts are to follow the current schedule on video conferencing. Only on the District Court's assigned video conferencing days are District Courts allowed to hold in person hearings (e.g., if the 28<sup>th</sup> is scheduled for video conferencing on Tuesdays and Thursday mornings, it can hold in-person hearings on Tuesday and Thursday afternoons); County Courts at Law to hold in person hearings on alternate days (i.e. CCL #2 & #4 on Tuesday & Thursday: CLL #1 & #3 on Monday & Wednesday).
3. Jury Trials may be conducted beginning September 1, 2020. All Courts will conduct jury selection at the Central Jury Room with the maximum capacity of 102 occupants as provided under social distancing guidelines; if more than 102 jurors are needed for a jury trial then that Court must find another location and follow all CDC and OCA guidances as required.
4. Jury Calls will be reduced to 300-400 jurors per day Monday and Tuesday mornings. The walk-in jurors will be assigned to courts for afternoon jury selection Monday and Tuesday; all online jurors that are assigned to Courts will conduct jury selection on Wednesday morning and afternoon; Thursday morning and afternoon; Each Court to coordinate jury trials so as not to have more than 2 trials per week per floor.
5. Jury Trial Priority will be child sexual assault cases and in jail felony cases.
6. No more than 2 trials per floor per week.
7. To lessen traffic to the Courthouse tower Courts will closely as possible follow this schedule:  
  
The 7<sup>th</sup> and the 4<sup>th</sup> floors begin at 8:00 a.m., lunch at 11:30 to 12:30 p.m., depart at 4:45 p.m.  
  
The 9<sup>th</sup> floor begin at 8:30 a.m., lunch at 11:45 a.m. to 12:45 p.m., depart at 5:00 p.m.  
  
The 8<sup>th</sup> floor begin at 9:00 a.m., lunch at 1:00 p.m. to 1:15 p.m., depart at 5:15 p.m.
8. The stairwell has been converted to one way, one side will allow traffic up the tower and the other side will provide traffic down. All Court staff will be encouraged to use the stairwell instead of the elevator, if physically able.

## **Vulnerable Populations**

1. As determined by CDC recommendations and guidelines, it considers individuals who are over age 65 with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations.
2. Individuals who consider themselves as a vulnerable individual as defined above, should contact the Court to identify themselves as a vulnerable individual and request accommodations. A notice with this information will be provided in English and Spanish and will be posted on the courts' websites and in conspicuous locations around the court building (a copy of which is attached).
3. Vulnerable populations who are scheduled for court will be accommodated by upon notifying the Court, they will do what is reasonably necessary to accommodate that individual for their safety and protection. If no reasonable accommodation can be made that matter will be reset, rescheduled or the individual may be excused.

### **Social Distancing**

1. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.
2. No more than two individuals not from the same household will be permitted in an elevator. If more than one individual from the same household is in an elevator, no other individuals will be permitted in the elevator. Public and employees will be encouraged to use stairwells if physically able;
3. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
4. Public common areas, including break rooms and snack rooms, have been closed to the public.
5. The maximum number of persons permitted in each courtroom located on the 7th, 8th and 9th floor is 26; the maximum number of persons permitted in the Title IV Courtroom is 20; the maximum number of persons permitted in the 4th Floor Courtroom is 32; the maximum number of persons permitted in the 5th Floor Courtroom is 38; the maximum number of persons permitted in the central jury room is 102; Each courtroom to post the maximum number permitted and will be monitored and enforced by court staff.
6. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged and marked in such a way so that there is social distancing of at least 6 feet between each space.

### **Hygiene**

1. Hand sanitizer dispensers have been placed at the entrances to the building, outside of elevators on each floor, outside of each courtroom, and outside of bathrooms.
2. Tissues will be made available upon request.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations on each floor of the court building.

### Screening

1. When individuals attempt to enter the court building, the Courthouse Security officers will use the mass thermal monitor to determine the temperature individuals. Individuals whose temperature reading is in excess of 100.0 will be refused admittance to the court building by Courthouse Security Officers.
2. Inmates being transported from the jail to the court building will be screened by the Nueces County Sheriff Officers for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 100.6°F will not be transported to the court building. As recommended by the Health Director, inmates coming into the Courthouse should be required to wear face coverings;
3. Security Officers who are screening individuals entering the court building will be provided personal protective equipment, including protective face covering and gloves.

### Face Coverings

1. All individuals entering the court building will be encouraged to wear face coverings at all times especially common areas of the building unless otherwise mandated.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.

### Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every day twice a day and deep cleaning at night.
2. Courtroom staff will clean the courtroom between every hearing, between morning and afternoon proceedings, and at the end of each day the courtroom is used.
3. Court staff have been provided cleaning supplies shown to be effective with this coronavirus.

I have attempted to confer with all judges of courts with courtrooms in the court building regarding this Operating Plan. In developing the plan, I consulted with the local health authority and County Judge, documentation of which is attached to this plan. I will ensure that all Judges with courtrooms in the court building covered by this Operating Plan conduct proceedings consistent with the plan.

Date: Amended

*Nanette Hasette*

July 2, 2020

Nanette Hasette

Local Administrative Judge for Nueces County, Texas